

REMARKS/ARGUMENTS

Claims 42-47 and 48-61 are active and respectively track prior claims 30, 32, 35, and 37-39. Claim 42 corresponds to claim 30, but is more specifically directed to a hydrophilic spacer described by formula 1(e). Support for claim 42 and claim 44, which tracks prior claim 35, is also found in the specification at page 27, lines 20-23. Claim 45, which corresponds to prior claim 37 finds support on page 37, lines 10-13 and on page 31, lines 19-21 of the specification. New claims 48-61 find support in prior claim 30 and as follows: claim 48-52 (page 19, line 4, *ff.*), claims 53-54 (page 20, line 20), claims 55-56 (page 27, lines 22-23), claims 57-58 (page 28, lines 16 and 26), and claims 59-61 (page 28, line 26). No new matter is believed to have been introduced. Favorable consideration of this response and allowance of this application are respectfully requested.

Election of Species/Election

On April 22, 2009 the Applicants elected Group III, claims 24-37 and 39-41, drawn to a hydrophilic spacer. A further election of the species of Formula 1(e) was subsequently made on August 10, 2009. Examination has been limited to claims as they read on the structure of formula (Ie) and (IIe), OA of January 4, 2010, page 2, line 12. Claims 24-37 and 39-41 are generic, see the OA of July 10, 2009, page 3, line 18.

Rejections—35 U.S.C. §112, second paragraph

Claims 24-34, 26, 35-36, 38 and 40-41 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. These rejections are moot in view of the cancellation of claim 26.

Rejection—35 U.S.C. §102

Claims 24-30, 32-35, 37 and 39-41 were rejected under 35 U.S.C. §102(b) as being anticipated by Chapman, et al., Langmuir 2000, 16, pp. 6927-36. This rejection is moot in view of the cancellation of the prior claims. It would not apply to the new claims because they require a hydrophilic spacer having the structures represented by Formula (Ie), wherein  $R_{11}$ - $R_{16}$  are hydrogen,  $r$  is an integer of 1, and  $r'$  is an integer of 5. Therefore, these claims describe compounds different from the prior art compounds. In addition, for claim 45, corresponding to prior claim 37, the hydrophilic spacer in Formula (Ile) as defined similarly to those for Formula (Ie). Accordingly, this rejection would not apply to the new claims.

Rejection—35 U.S.C. §102

Claims 24-26, 28, 30, 31, 33, 35-37 and 40 were rejected under 35 U.S.C. §102(b) as being anticipated by Dhawan, et al., Bioconjug. Chem. 2000, 11, 14-21. This rejection is moot in view of the cancellation of the prior claims. It would not apply to the new claims because they require a hydrophilic spacer having at least two partial structures represented by Formula (Ie), wherein  $R_{11}$ - $R_{16}$  are hydrogen,  $r$  is an integer of 1,  $r'$  is an integer of 5. Therefore, these claims describe compounds different from the prior art compounds. In addition, for claim 45, corresponding to prior claim 37, the hydrophilic spacer in Formula (Ile) as defined similarly to those for Formula (Ie). Accordingly, this rejection would not apply to the new claims.

Conclusion

This application presents allowable subject matter and the Examiner is respectfully requested to pass it to issue. The Examiner is kindly invited to contact the undersigned should a further discussion of the issues or claims be helpful.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.  
Norman F. Oblon

A handwritten signature in dark ink, appearing to read "Thomas M. Cunningham", written over a horizontal line.

Thomas M. Cunningham, Ph.D.  
Registration No. 45,394

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 07/09)